

REMARKS

Reconsideration of this application is respectfully requested. Claims 1 and 7 have been amended, and claim 8 has been previously canceled. As such, claims 1-7 are in this application and are presented for the Examiner's consideration in view of the following comments.

At the outset, Applicant's representative notes that two copies of this Office Action were received with different mailing dates. An Office Action was received with a mailing date of June 30, 2009. A seemingly identical Office Action (other than the mailing date) was mailed on August 11, 2009. Applicant is responding to the Office Action of June 30, 2009 as it appears identical to the Office Action of August 11, 2009. Applicant requests that this response be considered responsive to both of these Office Actions.

Claim 7 has been objected to because the phrase "the apparatus" lacks proper antecedent basis. Applicant has amended claim 7 to remove the basis for this objection.

Claims 1-4 have been rejected under 35 U.S.C. §101 because, according to the Examiner, the claims do not positively tie to another statutory subject matter. Applicant respectfully still disagrees. However, in the interests of furthering prosecution, Applicant has amended claim 1 to positively require use of a receiver for performing the method steps. As such, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §101 for claims 1-4.

Claims 1 and 4-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0067778 published June 6, 2002 to Ahn (*Ahn*) in view of U.S. Patent No. 5,490,176 issued February 6, 1996 to Peltier (*Peltier*). Applicant respectfully disagrees.

The combination of *Ahn* and *Peltier* does not yield Applicant's claimed invention for any one of a number of reasons.

First, the Examiner states that *Ahn* describes comparing the frequency offset to a closed loop value of the PLL or CTL as required by Applicant's independent claims 1 and 5 with reference to element 104-3 of FIG. 5 of *Ahn*. Respectfully, the Examiner is

wrong. At the outset, this portion of Applicant's claims 1 and 5 require "comparing". However, mere reference to FIG. 13 of *Ahn*, which illustrates element 104-3, clearly shows there is no comparator – only multipliers 701 and 702. Thus, it is not possible for element 104-3 of *Ahn* to compare anything – let alone Applicant's claimed requirement of comparing the frequency offset to a closed loop value of the PLL or CTL. In view of this, the combination of *Ahn* and *Peltier* does not yield Applicant's claimed invention.

Second, the Examiner states the *Peltier* describes that a

false lock is detected when the phase offset changes sign (abstract, col. 5, lines 10-30, claim 1), i.e. an offset signal is compared to a previous offset value.

Office Action, 8/11/09, p. 4; emphasis added.

Respectfully, the Examiner is mischaracterizing *Peltier*. In particular, *Peltier* describes generating two clock signals and comparing the phase offset between these two clock signals. (*Peltier*, FIGs. 5a and 5b, col. 2, lns. 34-35; claim 1.) Thus, there is no offset signal nor a previous offset value described in *Peltier* as asserted by the Examiner – just comparing the offset between two clock signals. This has nothing to do with Applicant's claimed invention where a false lock is detected by comparing a carrier frequency offset estimate to a closed loop value of a phase-locked loop as required by Applicant's independent claims 1 and 5. In view of this, the combination of *Ahn* and *Peltier* again does not yield Applicant's claimed invention.

As a result, Applicant respectfully submits that independent claims 1 and 5 are patentable over the combination of *Ahn* and *Peltier*. Consequently, dependent claim 4 is also patentable over the combination of *Ahn* and *Peltier*.

Claims 2-3 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ahn* in view of *Peltier* and further in view of "A Digital Transmission System Using Quaternary Partial Response CPM Principle Structure and Measurement Results" to Matzner et al. Applicant respectfully traverses this rejection for the reasons described above with respect to independent claims 1 and 5.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ahn* in view of *Peltier* and further in view of U.S. Publication No. 2002/0122511 published September 5, 2002 to Kwentus et al. Applicant respectfully traverses this rejection for the reasons described above with respect to independent claim 5.

As it is believed that all of the objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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